



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक M.A.(C) 1147 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>Misc. Appeal(C) No.1147 of 2007</u>	
	<u>Appellant</u>	The United India Insurance Company Limited Mount Road P.B. No. 83 Nagpur (Maharashtra) Through : Branch Office, Raigarh(CG)
	<u>RESPONDENTS</u>	<u>Versus</u> 1 Bhushan Singh, s/o of Lal Babhu Singh, aged about 36 years, occupation contractor-ship, R/o village Jhakhagali, Baikunthpur, Raigarh, Tahsil and District Raigarh(CG) 2 Om Prakash Rajbhar, s/o Ramanand Rajmar, aged about 35 years, Occupation - Driver, R/o Tekanaka Wari Road, Deepak Nagar-Nagpur (Maharashtra) Through Palvinder Singh Man, G.E. Road, Tatibandh, Raipur(CG) 3 Palvinder Singh Man, s/o Sardar Tahal Singh @ Pahal Singh, Owner, R/o Takanaka, Rambai Nagar, Quarter No. 62 Nagpur & Present address R/o G.E. Road, Tatibandh, Raipur(CG)
	<u>MISC. APPEAL UNDER SECTION 173 OF MOTOR VEHICLES ACT, 1988</u>	
	<u>Appearance:</u> Shri Dashrath Gupta, counsel for the appellant.	



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आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	DB: <u>Hon'ble Shri L.C. Bhadoo & Hon'ble Shri Sunil Kumar Sinha, J. J.</u> <u>ORAL ORDER</u> <u>(16.10.2007)</u> <u>L.C.Bhadoo, J.</u> Heard on admission. The United India Insurance Company has preferred this appeal u/s 173 of the Motor Vehicles Act, 1988, being aggrieved by the award dated 5.7.2007, passed by the learned Additional Motor Accident Claims Tribunal Raigarh in claim case No.05/2007, whereby, the learned Tribunal, assessing 60% disablement of the claimant namely-Bhushan Singh, awarded the compensation amount to the tune of Rs.3,24,000/- under the heading of permanent disability, Rs.1,09,000/- for treatment, Rs.1,100/- for loss of income on account of the claimant remained in hospital, Rs.3,000/- for attendant and diet, Rs.10,000/- for pain and sufferings, Rs.25,000/- for future treatment, and Rs.10,000/- for loss of amenities and thereby in all Rs.4,82,100/- has been awarded. Learned counsel for the appellant argued that even though the certificate was submitted by the claimant to the effect that on account of the accident, he has sustained 60% disability, but that disability was on the leg portion and it was not on the whole body, therefore, the Tribunal has wrongly assessed the loss of 60% income of the claimant.	



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	We have perused the impugned award. In para 12 of the award, learned Tribunal has held that as per the disability certificate, issued by the Medical Board, the claimant Bhushan Singh had sustained 60% permanent disability, as he sustained the fracture of Pelvic bone on right leg. In order to establish the permanent disability, Dr. Sunil Khemkha, who operated and treated the injured-claimant - Bhushan Singh, has been examined and he has proved the injuries sustained by the claimant and the treatment given by him. Even the claimant had to undergo operation for second time also and the Medical Board has given certificate regarding disablement of the claimant, sustained on account of the accident and fracture of the pelvic bone to the extent of 60%. The Tribunal has further held that as per the evidence of claimant, he is not getting any work after the accident. Earlier he used to work as a Contractor and earn his livelihood and the work of the contractor is of such a nature that in order to carry the work, he is required to run pillar to post, but on account of the injury sustained by him, he is not able to work to that extent. The Tribunal after assessing the monthly income of the claimant as Rs.3,000/- and assessing the loss of 60% income i.e. Rs.1,800/-p.m.and by applying the multiplier of 15 i.e. $1800 \times 12 \times 15$, assessed the loss of earning as Rs.3,24,000/-. Looking to the nature of the work and permanent disability to the extent of 60%, we are of the considered	



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	opinion that the finding of the Tribunal is based on the appreciation of the evidence and material available on record and the same does not suffer from any infirmity. Shri Gupta further argued that under the head of Medical Expenses, an amount of Rs.1,09,000/- has been awarded, which is also excessive. We have perused the paragraph 18 of the award, in which, it has been specifically referred the various bills regarding treatment and medical expenses incurred by the claimant, amounting to Rs.1,09,000/-, therefore, the said amount has been awarded based on the documentary evidence and in that respect also, the Tribunal has not committed any illegality or infirmity on coming to the conclusion that the claimant is entitled for the amount to the tune of Rs.1,09,000/- under the medical head. For the foregoing reasons also, we are of the considered opinion that the compensation amount awarded by the Tribunal is not on higher side and the amount awarded by the Tribunal is just and reasonable, which does not require any interference by this Court. The appeal being devoid of merits is liable to be dismissed and accordingly, it is dismissed. Sd/- L.C. Bhadoo Judge	Sd/- Sunil Kumar Sinha Judge

Sunita